IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE EASTERN DIVISION

Case 1:04-cv-01154-JDT-STA D	ocument 98	Filed 06/14	/05 Page 1	of 4 Page D 70
IN THE UNIT FOR THE WEST E.		UCT OF TE		05 1/h, 14 PH 4: 29
RBP, LLC,)			NESS OFFICE
Plaintiff,))			
v.))	NO.	04-1154 T/A	An
GENUINE PARTS CO. and INDIA	NA)			
INSURANCE CO.,)			
)			
Defendants.)			

ORDER GRANTING MOTION TO AMEND PLEADING

Before the Court is Defendant Indiana Insurance Company's ("Defendant") Motion to Amend Pleading filed on May 3, 2005. For the reasons set forth below, the Motion is GRANTED.

A pleading may be amended "only by leave of court . . . and leave shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). "In deciding whether to allow an amendment, the court should consider the delay in filing, the lack of notice to the opposing party, bad faith by the moving party, repeated failure to cure deficiencies by previous amendments, undue prejudice to the opposing party, and futility of amendment." Perkins v. Am. Elec. Power Fuel Supply, Inc., 246 F.3d 593, 605 (6th Cir. 2001). After review, the Court can see no reason why the Motion should not be granted.

Additionally, Plaintiff failed to file a response to the motion as required by Local Rule 7.2(a)(2). "Failure to timely respond to any motion, other than one requesting dismissal of a

claim or action, may be deemed good grounds for granting the motion." Local Rule 7.2(a)(2). As such, because motions to amend should be freely granted and because Plaintiff did not respond to the motion, Defendant's Motion is **GRANTED**. Defendant shall file their Amended Answer within 11 days of entry of this Order.

IT IS SO ORDERED.

S. THOMAS ANDERSON

UNITED STATES MAGISTRATE JUDGE

June 14, 2005

Date:



Notice of Distribution

This notice confirms a copy of the document docketed as number 98 in case 1:04-CV-01154 was distributed by fax, mail, or direct printing on June 15, 2005 to the parties listed.

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Honorable James Todd US DISTRICT COURT